

AMENDED IN ASSEMBLY JUNE 21, 2006

AMENDED IN SENATE MAY 26, 2006

AMENDED IN SENATE MAY 2, 2006

**SENATE BILL**

**No. 1161**

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**Introduced by Senator Alarcon**

January 10, 2006

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An act to amend and repeal Sections 217, 217.7, and 217.9 of, and to repeal, add, and repeal Section 217.8 of, the Streets and Highways Code, relating to state highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 1161, as amended, Alarcon. State highways: design-sequencing contracts.

Existing law authorizes the Department of Transportation, until January 1, 2010, to conduct a pilot project to award design-sequencing contracts, as defined, for the design and construction of not more than 12 transportation projects, to be selected by the Director of Transportation.

This bill would instead generally authorize the department, until January 1, 2012, to award contracts for projects using the design-sequencing contract method, if certain requirements are met. The bill would require the department to continue the use of a peer review committee to assist the department in preparing an annual report to the Legislature describing and evaluating the outcome of the design-sequencing contracts until December 31, ~~2010~~ 2011.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares the  
2 following:

3 (a) “Design-sequencing” or “fast track design” is a valuable  
4 project delivery tool that can reduce project completion time  
5 according to the Department of Transportation.

6 (b) The Business, Transportation and Housing Agency has  
7 found that the effectiveness of design-sequencing has been  
8 demonstrated and that a statutory cap and other restrictions on  
9 design-sequencing projects are unnecessary.

10 (c) In order to provide the Department of Transportation with  
11 unconditional authority to use the design-sequencing method of  
12 contracting and fast track the completion of projects throughout  
13 the state, this act eliminates statutory constraints established on  
14 the number and geographic location for design-sequencing  
15 projects in California.

16 SEC. 2. Section 217 of the Streets and Highways Code is  
17 amended to read:

18 217. The following definitions apply for the purposes of this  
19 article:

20 (a) “Design” is a plan completed to a level of 30 percent.

21 (b) “Design-sequencing” is a method of contracting that  
22 enables the sequencing of design activities to permit each  
23 construction phase to commence when design for that phase is  
24 complete, instead of requiring design for the entire project to be  
25 completed before commencing construction.

26 (c) A “design-sequencing contract” is a contract between the  
27 department and a contractor that requires the department to  
28 prepare a design and permits construction of a project to  
29 commence upon completion of design for a construction phase.

30 (d) This section shall remain in effect only until January 1,  
31 2012, and as of that date is repealed, unless a later enacted  
32 statute, that is enacted before January 1, 2012, deletes or extends  
33 that date.

34 SEC. 3. Section 217.7 of the Streets and Highways Code is  
35 amended to read:

36 217.7. (a) Notwithstanding Section 10120 of the Public  
37 Contract Code and Chapter 10 (commencing with Section 4525)  
38 of Division 5 of Title 1 of the Government Code, the department

1 may award contracts pursuant to the competitive bidding  
2 provisions of the State Contract Act (Part 2 (commencing with  
3 Section 10100) of Division 2 of the Public Contract Code) using  
4 the design-sequencing contracting method defined in Section  
5 217. For the purpose of this article, these projects shall be  
6 deemed public works.

7 (b) This section shall remain in effect only until January 1,  
8 2012, and as of that date is repealed, unless a later enacted  
9 statute, that is enacted before January 1, 2012, deletes or extends  
10 that date.

11 SEC. 4. Section 217.8 of the Streets and Highways Code is  
12 repealed.

13 SEC. 5. Section 217.8 is added to the Streets and Highways  
14 Code, to read:

15 217.8. (a) The department shall continue the use of a peer  
16 review committee for ~~design-sequencing~~ *design-sequencing*  
17 established by Chapter 378 of the Statutes of 1999. The peer  
18 review committee shall assist the department in preparing a  
19 report for submittal to the Legislature that describes and  
20 evaluates the outcome of the design-sequencing contracts, stating  
21 the positive and negative aspects of using ~~design-sequencing~~  
22 *design-sequencing* as a contracting method, including, but not  
23 limited to, contracting methods, procedures, costs, and delivery  
24 schedules. The peer review committee shall be disbanded on  
25 December 31, ~~2010~~ 2011. The first report shall be submitted on  
26 December 31, 2007, and annually thereafter until December 31,  
27 ~~2010~~ 2011.

28 (b) This section shall remain in effect only until January 1,  
29 2012, and as of that date is repealed, unless a later enacted  
30 statute, that is enacted before January 1, 2012, deletes or extends  
31 that date.

32 SEC. 6. Section 217.9 of the Streets and Highways Code is  
33 amended to read:

34 217.9. Design-sequencing contracts, as described in Section  
35 217.7, shall be awarded in accordance with all of the following:

36 (a) The department shall advertise design-sequencing projects  
37 by special public notice to contractors.

38 (b) Contractors shall be required to provide prequalification  
39 information establishing appropriate licensure and successful  
40 past experience with the proposed work, including their skilled

1 labor force availability and safety record, as defined in clauses  
2 (v) and (vi) of subparagraph (B) of paragraph (4) of subdivision  
3 (d) of Section 20133 of the Public Contract Code.

4 (c) This section shall remain in effect only until January 1,  
5 2012, and as of that date is repealed, unless a later enacted  
6 statute, that is enacted before January 1, 2012, deletes or extends  
7 that date.

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